



PROTECT RESIDENTIAL TENANTS WHO ASSERT THEIR LEGAL RIGHTS **Support HB820 (Lopez)**

The Problem: Many tenants have month to month leases, either because they have no written lease or because their written lease converted to a month to month at the end of the initial lease term. Month to month leases can be terminated by either party with as little as 30 days' notice. When a month to month tenant exercise his right to file a complaint against a landlord who fails to keep the property safe and habitable, unlawfully discriminates against the tenant or commits some other prohibited action, the landlord can simply terminate the tenant's lease and the tenant can be left with nowhere to live as few as 30 days later. While the law currently prohibits such retaliatory action by the landlord, it requires the tenant to prove that the landlord's action is retaliatory. This is nearly impossible.

The Solution: HB820 **shifts the burden of proof** to the landlord to show that his action was not retaliatory, if the landlord takes negative action against the tenant (such as terminating the tenancy or raising the rent) within six months after the tenant does any of the following: makes a complaint regarding a code violation; files suit against the landlord; joins a tenants' organization; or testifies against the landlord. These tenant actions are protected under current law, but it is very difficult for tenants to benefit from these protections because of the difficulty of proving the landlord's intent was retaliatory.

Protections for Landlords: HB820 does not remove any of the protections for landlord currently in the law. If the building code violation was caused by the tenant or a household member/guest of the tenant; if the tenant is behind in rent; or the tenant has committed any other material lease violation the landlord can terminate the tenancy as long as the primary reason for the termination was not retaliation.

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